REMARKS

Claims 1-12, 14-38, and 40-55 are pending in the above-identified application. Claims 13 and 39 were previously canceled. Claims 1, 9, 27, 28, and 55 are amended. No new matter is added by way of the amendments. In the Final Office Action dated December 23, 2009 and the Advisory Action dated February 23, 2010, claims 1-12, 14-38, and 40-55 were rejected.

Accordingly, claims 1-12, 14-38, and 40-55 remain at issue.

I. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-12, 14-38, and 40-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nafeh (U.S. 5,343,251) in view of Wordemann (U.S. 7,088,909) in view of Hooks et al. (U.S. 6,169,542) in view of Dimitrova et al (U.S. 6,100,941). Applicants respectfully traverse this rejection.

In particular, Applicants note that one of the important purposes of the present application is not to remove, skip, or replace commercial messages as taught by the prior art, but rather to store, retrieve and view/listen to the commercial messages based on user selections. (See p. 3, Brief Summary of the Invention) The minor amendments clarify this purpose with the intent to reach allowable subject matter.

In relevant part, independent claim 1 recites (emphasis added):

> A signal processing device comprising:
> commercial message section detecting means for detecting a commercial message section from an input signal including at least the commercial message section and the remaining signal section on a time division basis, wherein a start time of a commercial message and a length of the commercial message section are detected by the commercial message section detecting means;
> a commercial message extracting means for extracting the commercial message in the commercial message section from the input signal in accordance with a

result of the detection by the commercial message section detecting means, the commercial message being extracted for subsequent access by a user;
a recording means for recording each commercial message extracted from the input signal by the commercial message extracting means;
an index information extracting means for extracting information from said commercial message section to be used as a user-selectable index representing said recorded commercial message, the information extracted from said commercial message section and associated with said commercial message being one of a starting image, a cut point image, a starting sound or an ending sound; and
a display means for displaying said index, the display means further displaying a selected commercial message audibly and/or visually in response to a user selection from the index.

The method cited in claim 1 is clearly unlike Nafeh, Wordemann, Hooks, and Dimitrova, alone or in combination, each of which fails to suggest, teach, or disclose "the commercial message being extracted for subsequent access by a user." Instead, Nafeh teaches a system utilized to "classify programs and commercials, and to eliminate commercial recordings on a VCR as illustrated in FIG. 2." (Nafeh, col. 3, lines 51-54) Likewise, Wordemann teaches a method that "enables programme parts, such as advertising blocks, to be reliably masked out, so that undesirable masking out of scenes of the programme contributions does not occur." (Wordemann, col. 1, lines 49-55) Dimitrova similarly teaches substituting or skipping commercials. (See claims 6 and 7) Hooks teaches a method of delivering interactive content for commercials rather than subsequent access to the commercial message. Thus, the systems and methods taught by Nafeh, Wordemann, Hooks, and Dimitrova differ in functionality and purpose from that claimed by Applicants. Thus, claim 1 should be allowed over the cited art.

Similarly, claim 1 also includes "display means for displaying said index, the display means further displaying a selected commercial message audibly and/or visually in response to a user selection from the index." In the cited art, the commercial messages are not recorded to be

displayed "audibly and/or visually in response to a user selection from the index." Rather, commercials are removed or skipped to prevent interruption of other media content as explained above. As a result, claim 1 should be allowed.

For at least these reasons, claims 27, and 55 should be allowed. Claims 2-12, 14-26, 28-38, and 40-54 should be allowed at least based on their dependence on claims 1 and 27, respectively.

II. Conclusion

In view of the above amendments and remarks, Applicants submit that claims 1-12, 14-38, and 40-55 are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

This response is being filed as part of a Request for Continuing Examination (RCE). Although Applicants believe that no additional fee is due beyond those made with the RCE, to provide for the possibility that Applicants have overlooked the need for a fee, including a fee for an extension of time under 37 C.F.R. 1.136(a), the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 19-3140 of Sonnenschein Nath & Rosenthal LLP.

If the claims are not found to be in condition for allowance, the Examiner is requested to contact the undersigned to schedule an interview before the mailing of the Office Action. Any communication initiated by this paragraph should be deemed an Applicant initiated interview.

Respectfully submitted,

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